

**UNITED STATES DISTRICT AND BANKRUPTCY COURTS
FOR THE DISTRICT OF IDAHO**

550 W. Fort St., Box 039
Boise, Idaho 83724

Cameron S. Burke
Clerk of Court

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February 13, 2007

TO: Plaintiffs in Civil Actions

FROM: Clerks Office, District of Idaho

SUBJECT: Waiver of Service

Pursuant to Rule 4 (d) Federal Rules of Civil Procedure, a procedure has been established to avoid unnecessary service costs. Under this procedure, the plaintiff may send a *Notice of Lawsuit and Request for Waiver of Service of Summons* form to the defendant who then may waive formal service of the complaint. If the procedure is used, the notice sent by the plaintiff to the defendants shall:

- (1) be in writing and addressed to defendant
- (2) be sent by first-class mail or "other reliable means"
- (3) be accompanied by copy of complaint and identify the court
- (4) inform defendant of consequences of compliance and of a failure to comply (Form 1A)
- (5) set forth the date on which the request is sent
- (6) allow defendant at least 30 days for response
- (7) provide extra copy of notice and request and a prepaid means of complying in writing

If a defendant fails to comply with a request for waiver made by a plaintiff, the Court shall impose the costs subsequently incurred in effecting service on the defendant unless good cause for the failure be shown.

If the defendant will timely waive service (within 30 days of date request sent by Plaintiff) the defendant has 60 days to answer---not 20 days as prescribed under the previous rule. If defendant is out of the United States, they have 90 days to answer.

[The attached forms may be used for this procedure.](#)